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In re Application of	:	
COLLOCA et al.	:	NOTIFICATION
Application No.: 10/587,389	:	
PCT No.: PCT/EP2005/000558	:	
Int. Filing Date: 18 January 2005	:	
Priority Date: 23 January 2004	:	
Attorney's Docket No.: ITR0048YP	:	
For: CHIMPANZEE ADENOVIRUS	:	
VACCINE CARRIERS	:	

This application is before the Office of PCT Legal Affairs for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 18 January 2005, applicants filed international application PCT/EP2005/000558, which designated the United States and claimed a priority date of 23 January 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 July 2006 (23 July 2006 being a Sunday).

A transmittal letter was filed by applicants for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee and a declaration of inventors. These papers were date-stamped 25 July 2006 by the USPTO.

On 10 July 2008, a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

DISCUSSION

The above-identified application was abandoned as of midnight 24 July 2006 for failure to pay the full U.S. basic national fee by thirty months from the priority date. (USPTO records

show the payment as having been received 25 July 2006, one day late.) Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 mailed 10 July 2008 is hereby VACATED.

The Transmittal Letter date-stamped 25 July 2006 includes a certification that the papers were mailed by Express mail on 24 July 2006. Accordingly, applicants may wish to consider filing a petition under 37 CFR 1.10(c).

CONCLUSION

For the reasons set forth above, the application is ABANDONED.

The NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 10 July 2008 is VACATED.

Applicants may wish to consider filing a petition under 37 CFR 1.10(c).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for preparation and mailing of a NOTIFICATION OF ABANDONMENT.

/Daniel Stemmer/

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